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TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 4—WAR FOOD ORDERS

AGRICULTURE-IMPORT ORDER

Correction

In Federal Register Document 49-6142, appearing at page 4660 of the issue for Wednesday, July 27, 1949, the following corrections should be made in Appendix A:

The Commerce Import Class Number for "Cottonseed oil, crude, refined" should be "1423.100, 1423.200".

The Commerce Import Class Number for "Flaxseed screenings" should be "2945.000".

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

KENTUCKY BLUEGRASS SEED; EXEMPTION OF LABELING REQUIREMENTS

It having been found that the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, *Poa pratensis*, now therefore pursuant to the provisions of section 203 (c) of the Federal Seed Act of August 9, 1939 (53 Stat. 1275; 7 U. S. C. 1573 (c)), the following regulation is hereby promulgated:

Exemption from labeling as to germination of Kentucky bluegrass seed. The requirements of paragraph 201 (a) (8) of the Federal Seed Act of August 9, 1939, as to labeling seed for germination when transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1949 crop of seed of Kentucky bluegrass, *Poa pratensis*, during the period beginning September 5, 1949, and ending October 15, 1949.

Section 203 (c) of the Federal Seed Act of August 9, 1939, provides that the Secretary of Agriculture may, with or without hearing, amend the regulations

issued thereunder to provide exemptions from labeling requirements with respect to germination. Pursuant to this provision, the Secretary in various prior years amended the regulations to provide for a seasonal exemption from such labeling requirements, similar to the one provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The carry-over of this seed from the former crop year is not sufficient to meet the planting requirements therefor and by reason of the imminence of the planting season it is in the public interest that notice of the exemption of such seed from labeling requirements as to germination be published as soon as possible. In view of these facts, and in accordance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003), it is hereby found upon good cause that notice and public procedure in connection with this amendment would be impracticable and contrary to the public interest.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592 (a))

This regulation shall be effective during the period from September 5, 1949, to October 15, 1949, both inclusive.

Issued this 29th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6340; Filed, Aug. 3, 1949; 9:09 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[MQ-650, Supp. 3]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

STATE COMMITTEE'S RECORD OF RESULT OF REFERENDUM

Section 717.12 of the Regulations Governing the Holding of Referenda on Marketing Quotas, MQ-650, as amended (6 F. R. 5616, 7 F. R. 9829, 13 F. R. 6212), is amended (1) by striking out the words "appropriate Regional Director" in the first sentence and inserting in lieu thereof the words "Assistant Adminis-

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trator" and (2) by striking out the words "at least a majority of the members" in the third sentence and inserting in lieu thereof the words "a member".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 29th day of July 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6325; Filed, Aug. 3, 1949; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS, AREA NO. 1 AND AREA NO. 3

§ 958.302 *Limitation of shipments, Area No. 1 and Area No. 3.*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.) regulating the handling of potatoes grown in the State of Colorado effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations submitted by the area committee for Area No. 1 and the area committee for Area No. 3 established under said agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (i) Shipments of potatoes from Area No. 1 and Area No. 3 have begun for the current season; (ii) More orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipments of potatoes in the manner set forth below on and after the effective date hereinafter set forth; (iii) Compliance with this order will not require any preparation on the part of handlers which cannot be completed by the effective date hereof; (iv) The area committees submitted their recommendations for regulation at the earliest date on which they had adequate information with respect to the supply and demand for potatoes and other relevant factors needed to formulate appropriate recommendations for regulation and the time intervening between such date and the date when this order must become effective to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient to give preliminary notice, engage in public rule-making procedure, and delay the effective date of this order for 30 days.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., August 8, 1949, and ending 12:00 p. m., m. s. t., May 31, 1950, no handler shall ship potatoes of any variety grown in Area No. 1 and Area No. 3, as such areas are defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 (published in the FEDERAL REGISTER on July 16, 1949—14 F. R. 3979) and which are of sizes smaller than 1½ inches minimum diameter, as such sizes are defined in the

U. S. Standards for Potatoes, including the tolerances set forth therein. *Provided*, That the aforesaid limitation shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing the official Colorado seed certification tag, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(2) The terms used herein shall have the same meaning as when used in Order No. 58 (7 CFR 958.1 et seq.), (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Done at Washington, D. C. this 1st day of August 1949.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-6341; Filed, Aug. 3, 1949;
8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

KANSAS

County	Average value	Investment limit
Greenwood.....	\$15,000	\$12,000
Jackson.....	14,000	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i)). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b)).

Issued this 29th day of July 1949.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6326; Filed, Aug. 3, 1949;
8:51 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM; INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1949-50 WHEAT AND WHEAT FLOUR EXPORT PROGRAM

Sec.	
571.1	General statement.
571.2	Eligibility for payments by the Secretary.
571.3	Confirmation of sale.
571.4	Eligible countries.
571.5	Reports.
571.6	Application for payment.
571.7	Cancellation of sale.
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571.9	Set-offs.
571.10	Assignments.
571.11	Good faith.
571.12	Amendment and termination.
571.13	Persons not eligible.
571.14	Definitions.

AUTHORITY: §§ 571.1 to 571.14 Issued under sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c.

§ 571.1 *General statement.* In order to encourage the exportation of wheat produced in the United States and wheat-flour processed in the United States from such wheat and in order to aid in the fulfillment of the obligation of the United States to export the quantity of wheat at the price specified in the International Wheat Agreement, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to exporters upon the terms and conditions stated herein. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained from Manager, Commodity Credit Corporation, Department of Agriculture, Washington 25, D. C.

§ 571.2 *Eligibility for payments by the Secretary.* Payments made under this program will be made to an exporter in connection with that quantity of wheat or wheat flour exported to an eligible country pursuant to a sale for which he has received a confirmation by the Administrator in accordance with § 571.3, subject to the following additional conditions:

(a) Only sales entered into not later than June 30, 1950, and during periods in which an announced rate is in effect and which were entered into in reliance thereon, are eligible for payment.

(b) Export payment rates will be announced from Washington, D. C., daily or at intervals up to 7 days. Announcement of rates will be released at approximately 2:00 p. m., e. s. t., and will remain in effect until 2:00 p. m., e. s. t., on the expiration date stated in the announcement, at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective after 2:00 p. m., on Friday will be considered as in effect until 2:00 p. m.,

e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticket service, and through the eight PMA Commodity Offices at Portland, Oregon, San Francisco, Minneapolis, Kansas City, Missouri, Dallas, Chicago, Atlanta, and New York City. Different rates of payment, based upon export ports or areas, destinations, or other factors, may be announced for the same period. Rates of payment applicable to wheat shall also be applicable to wheat flour converted to wheat on the following basis:

Whole wheat flour: 1.67 bushels per 100 pounds flour.

Patents and Straight grade flour (up to 72 percent extraction): 2.33 bushels per 100 pounds flour.

Flour clears: 2.33 bushels per 100 pounds flour.

80-percent extraction flour: 2.20 bushels per 100 pounds flour.

If sales are made at any other extraction rates a conversion basis will be furnished by the Administrator upon request. The rate in effect at the time of sale or the giving of Notice of Sale, as required by § 571.5 (a), whichever rate is the lower, shall be the rate applicable to the sale and exportation.

(c) The wheat or wheat flour must have been exported pursuant to each sale by July 31, 1950, unless an extension of time is granted by the Administrator.

(d) The exporter must have sold and exported wheat or wheat flour as defined in § 571.14 to one of the eligible countries named in § 571.4.

(e) Deliveries of wheat or wheat flour under this program shall be made only to the buyer and the eligible country named in the Notice of Sale and the Declaration of Sale. (See § 571.5.)

(f) The foreign purchaser must not use funds made available by the United States under the Foreign Assistance Act of 1948 (Public Law 472, 80th Congress), or any other statute under which funds are made available for foreign aid purposes, to pay for such wheat or wheat flour, and any such funds must not be used to pay for such wheat or wheat flour under any subsequent resale of such wheat or wheat flour; if any such funds are used by the foreign purchaser or any subsequent purchaser to pay for such wheat or wheat flour, and the exporter has received a payment on such wheat or wheat flour hereunder, the exporter shall repay such payment to the Secretary.

(g) The exporter shall submit the reports and documents specified in § 571.5.

(h) Proof of shipment and submission of specified supporting documents must have been made in accordance with § 571.6.

(i) In the event of reentry into the United States or its territories or possessions, or in event of a diversion to another country while en route to the eligible country shown as the final destination on the Declaration of Sale and Notice of Export, of any quantity of wheat or wheat flour exported under this program, payment may be withheld, or if payment has already been made the exporter shall make necessary arrangements for refund or other appropriate

adjustment with the Administrator. The exporter shall be required to notify the Administrator immediately upon becoming cognizant of such reentry or diversion.

§ 571.3 *Confirmation of sale.* Upon receipt of the Notice of Sale required by § 571.5, the Administrator shall, if he determines that the transaction is eligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement, confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment under proof that the conditions set forth in this subpart have been met. The Wheat Agreement provides that:

(a) A transaction or part of a transaction in wheat grain between a participating exporting and importing country is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) *Provided*, That (i) it is at a price (determined to be the equivalent price at port of export to #1 Manitoba Northern bulk wheat in store Fort William—Port Arthur, Canada) not higher than the maximum nor lower than the minimum in effect during the crop year in which the loading price specified in the transaction falls and (ii) the exporting and importing country have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the exporting and importing country concerned have unfulfilled guaranteed quantities for the crop year, and (ii) that the loading period specified in the transaction falls within that crop year.

(b) If an exporting country and importing country so agree, a transaction or part of a transaction for wheat entered into prior to the entry into force of Part 2 of the Wheat Agreement shall, irrespective of the price but subject to the condition in paragraph (a) (2) of this section, also be entered in the Wheat Council's records against the guaranteed quantities of those countries;

(c) If a commercial contract or governmental agreement on the sale and purchase of wheat-flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed that the price of such wheat flour is consistent with the maximum or minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat grain equivalent of such wheat flour shall, subject to the conditions prescribed in paragraph (a) (1) (ii) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is no such statement or agreement as specified above, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the wheat flour was sold justifies the entry of the transaction in the records.

The Administrator will issue, not less often than weekly, a statement as to the

progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. The Administrator will provide to any exporter upon request such information as he has available as to the status of sales and purchases to individual countries under the Wheat Agreement. During certain periods it will be to the exporter's advantage to ascertain from the Administrator prior to making a sale whether there is sufficient guaranteed quantity balance to permit recording in the Wheat Council's records.

However, it shall not be the duty or responsibility of the Administrator to guarantee that a transaction, which appears to the exporter and/or the Administrator prior to sale to be eligible for recording in the Wheat Council's records, will be so recorded and a payment made if a rate is in effect. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be considered eligible for entry into the Wheat Council's records, until he receives the Confirmation of Sale from the Administrator.

§ 571.4 *Eligible countries.* An eligible country shall be any one of the following countries, including all territories for the foreign relations of which the Government of that country is responsible:

Austria.	Netherlands.
Belgium.	New Zealand.
Ceylon.	Peru.
Denmark.	Portugal.
Greece.	Saudi Arabia.
India.	Sweden.
Ireland.	Switzerland.
Israel.	Union of South Africa.
Italy.	United Kingdom.
Lebanon.	

The foregoing list may be amended from time to time, but nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

§ 571.5 *Reports.* No payment will be made under this program unless the exporter submits to the Administrator reports as follows:

(a) *Notice of sale of wheat or wheat flour for export.* (1) Notice of the consummation of a sale of wheat or wheat flour for export shall be given within the time stated in the rate announcement as the final time for filing such notices, unless such time is extended by the Administrator.

Giving notice of sale, and issuance of confirmation, shall be deemed to be the exporter's agreement with the Secretary to export the quantity of wheat or wheat flour stated in the notice. Transactions shall be entered in the Administrator's records and subsequently reported to the Wheat Council in the order in which reports of such transactions are received by the Administrator in Washington, D. C. The order in which transactions are received assumes importance during the latter part of a crop year when guaranteed quantities are near to being filled. Notices of sale should normally be filed

by telegraph, or by telephone. Telephone notices should be confirmed immediately by telegraph.

If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed before 2:00 p. m., e. s. t., on the expiration date shown in the announcement.

(2) In giving Notice of Sale the exporter must report the following information:

- (i) Date and time of sale.
- (ii) Contract quantity:
- (a) Wheat in bushels.
- (b) Wheat flour in net pounds.

(iii) Sale price, in case of wheat. In case of flour, certification that buyer and seller agree that the transaction comes within the terms of the Wheat Agreement. This may be reported by the code word "Akord."

(iv) Importing country.

(3) Assigning of numbers: Each transaction which is deemed by the Administrator eligible for entry into the Wheat Council's records shall be assigned a number immediately upon receipt of Notice of Sale by the Administrator which shall be called the PMA Sales number. This number shall be entered on the copy of the Declaration of Sale (see paragraph (b) of this section) which is returned to the exporter, and shall thereafter be used on all documents, including Notice of Export and Voucher Form FDA-564, and in all correspondence with reference to the transaction.

(b) *Declaration of Sale and Evidence of sale.* (1) The exporter must prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it (normally by airmail) to the Administrator within 24 hours after consummation of sale.

(2) The Declaration of Sale must be submitted in quadruplicate, the original and three copies of which shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Administrator. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) All sales made to any one eligible country during any 24 hour period ending at 2:00 p. m., e. s. t., may be reported on one Declaration of Sale. All information requested on the face of Wheat Agreement Form No. 1, Declaration of Sale, shall be entered. The information required is as follows:

- (i) Date and time of sale.
- (ii) Name of consignor and consignee.
- (iii) Country of final destination.
- (iv) Delivery period specified in contract.
- (v) Quantity sold:
- (a) Wheat in bushels.
- (b) Wheat flour in sacks (_____ pounds net) which are the equivalent of _____ sacks (100 pounds net each) of flour which are the equivalent to _____ bushels of wheat.

(vi) Price and basis upon which price determined (price for wheat must be given basis f. o. b. vessel U. S. port on exports from Gulf and East Coast ports and in store U. S. port on exports from the West Coast; price for wheat flour may be given as stated in sales contract).

(vii) Class and grade of wheat; or type and extraction of flour.

(4) The Declaration of Sale must be filed in the name of the exporter who has sold the flour for export. Millers selling flour to others who resell such flour to foreign buyers are not exporters. If a sale is made in a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it; such as—

American Milling Company
(Trade Name)
U. S. Milling Company
/S/ JOHN SMITH, Secretary

(5) Supporting evidence as proof of sale must be filed in triplicate with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale exchanged between exporter and buyer. In the case of flour the exporter must also furnish in triplicate a signed statement or other acceptable evidence, such as an exchange of cables, from both buyer and seller, that the sale is within the terms of the Wheat Agreement.

(c) *Notice of Export; Wheat Agreement Form No. 2.* (1) A Notice of Export must be filed by the exporter within two weeks after date of export (unless such time for filing is extended by the Administrator) and this notice must be prepared in quadruplicate and be filed with the Administrator.

(2) The Notice of Export shall contain the following information, as shown on Wheat Agreement Form No. 2:

- (i) PMA Sales Number.
- (ii) Date loading of vessel completed.
- (iii) Name of vessel.
- (iv) Name of consignee and consignor.
- (v) Country of final destination.
- (vi) Port of immediate destination.
- (vii) Quantity actually loaded.
- (viii) Class and grade of wheat or type and extraction of flour actually loaded.
- (ix) Settlement price and basis.

(3) Payment will not be made on quantities loaded on vessels in excess of the quantity shown on the Declaration of Sale unless prior clearance is obtained from the Administrator, in which case a new Declaration of Sale and a new Confirmation of Sale for the additional quantity is required. However, in the case of bulk grain, payment will be made without additional clearance where the loaded quantities do not exceed the quantity shown on the Declaration of Sale by more than 1 percent.

(d) If such wheat or wheat flour is exported to a country which has obtained any funds made available by the United States under the Foreign Assistance Act of 1948 (Public Law 472—80th Congress), or any other statute under which funds are made available for foreign aid purposes, the exporter must have submitted to the Administrator a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have not been used and will not be used by the foreign

purchaser to pay for the wheat or wheat flour and that such funds have not been used and will not be used to pay for the wheat or wheat flour under any subsequent resale of the wheat or wheat flour.

(e) The exporter shall file such additional reports as may be required from time to time by the Administrator.

§ 571.6 *Application for payment.* The exporter shall file application for payment under this program in the following manner:

(a) *Public Voucher Form FDA-564.* An original and 3 copies of Form FDA-564 must be prepared and submitted together with the evidence of exportation set forth in paragraph (b) of this section. Supplies of Form FDA-564 and detailed instructions regarding the preparation and submission of Forms FDA-564 and supporting documents may be obtained from the PMA Commodity Offices listed in paragraph (c) of this section, or from the Manager, Commodity Credit Corporation, Washington 25, D. C.

(b) *Documents required to evidence exportation.* Each voucher must be supported by 2 copies of the application on board ocean bill(s) of lading; or, if exported by rail or truck, 2 copies of the United States customs certificate(s) which identifies the shipment and shows date of clearance into the foreign country.

(c) *Submission of vouchers for payment.* Exporters should submit vouchers and required supporting documents to the offices listed below which service the States in which the exporters' invoicing offices are located:

OFFICE

Hiram W. Rainey, Director, PMA Commodity Office, U. S. Department of Agriculture, 449 West Peachtree Street NE., Atlanta 3, Ga.: Virginia, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida.

George D. Bradley, Director, PMA Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Iowa, Illinois, Indiana, Ohio, Michigan.

Latham White, Director, PMA Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.: New Mexico, Oklahoma, Arkansas, Texas, Louisiana.

W. R. Walton, Director, PMA Commodity Office, U. S. Department of Agriculture, 802 Delaware Avenue, Kansas City 6, Mo.: Wyoming, Colorado, Nebraska, Kansas, Missouri.

James A. Cole, Director, PMA Commodity Office, U. S. Department of Agriculture, 328 McKnight Building, Minneapolis 1, Minn.: Montana, North Dakota, South Dakota, Minnesota, Wisconsin.

Lawrence A. Grogan, Director, PMA Commodity Office, U. S. Department of Agriculture, Room 1304, 67 Broad Street, New York 4, N. Y.: West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine.

Clyde L. Kiddle, Director, PMA Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Washington, Oregon, Idaho.

Roland F. Ballou, Director, PMA Commodity Office, U. S. Department of Agriculture, 30 Van Ness Avenue, San Francisco 2, Calif.: California, Nevada, Utah, Arizona.

§ 571.7 *Cancellation of sale.* The exporter shall notify the Administrator

promptly in every case where, after Notice of Sale, such sale is cancelled by the exporter or by the importer and the reason for such cancellation. In any case where the Administrator is of the opinion that such cancellation was made with the intent of obtaining the benefit of higher rates of payment subsequently announced under this subpart he may refuse to confirm any sale thereafter made either by such exporter or to such importer, or he may confirm such sales and make payment thereon provided that, up to the quantity equal to the quantity included in the cancelled sale or sales, payment shall be made on the basis of the rate announced for the period during which such sales are made or the rate applicable to the previously cancelled sale, whichever is the lower. Also, in any case where any wheat or wheat flour covered by a sale confirmed pursuant to § 571.3 is not exported at the expiration of the period specified in this subpart and the Administrator determines that such sale remained unfilled in order to enable the exporter or importer to receive the benefit of higher rates of payment on other sales under this program, he may refuse to make payment to an exporter until such unfilled sales are completed, or he may make payment, in which event payment on the quantity equal to such unfilled quantity shall be made on the basis of the rate applicable to the unfilled sale or the completed sale, whichever is lower.

§ 571.8 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or wheat flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after the effective date of this offer.

§ 571.9 *Set-off.* The Secretary may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 571.10 *Assignments.* No exporter shall, without the written consent of the Administrator, assign any right of the exporter against the Secretary hereunder.

§ 571.11 *Good faith.* If the Administrator determines that any exporter has not acted in good faith in connection with any transaction hereunder or has failed to discharge fully any obligation assumed by him hereunder, such exporter may be denied the right to continue participating in this program or the right to receive payments hereunder in connection with any sales previously made under this program, or both.

§ 571.12 *Amendment and termination.* This offer may be amended or terminated by the Secretary at any time by public announcement of such amend-

ment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 571.13 *Persons not eligible.* No agency of the Federal Government and no member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of any payment made under this offer or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 571.14 *Definitions.* When used in this subpart the term:

(a) "Secretary" means the Secretary of Agriculture or his authorized representative.

(b) "Administrator" means Administrator, Production and Marketing Administration, U. S. Department of Agriculture, or his authorized representative.

(c) Wheat Agreement means the International Wheat Agreement ratified by the President on June 17, 1949, pursuant to the advice and consent of the Senate.

(d) Wheat Council means the International Wheat Council established by Article XIII of the Wheat Agreement.

(e) Wheat means wheat grown in the United States and as defined in the Official Grain Standards of the United States.

(f) Wheat flour or flour means flour processed in the United States from wheat, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat flour.

(g) "Sale" includes a contract to sell.

Effective date. This offer shall be effective on August 1, 1949.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Dated this 29th day of July 1949.

[SEAL]

RALPH S. TRIGG,
Administrator.

[F. R. Doc. 49-6328; Filed, Aug. 3, 1949; 8:46 a. m.]

[1949 C. C. O. Rice Bulletin 1]

PART 655—RICE

SUBPART—1949-CROP RICE LOAN AND PURCHASE AGREEMENT

1949-CROP RICE PRICE SUPPORT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1949-Crop Rice Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general direction and supervision of the Manager, CCC. Loans and purchase

agreements will be made available to producers and cooperative marketing associations of producers (hereinafter referred to as the producer) on eligible rice produced in 1949 in accordance with this bulletin.

Sec.

- 655.101 Administration.
- 655.102 Availability of loans and purchases.
- 655.103 Approved lending agencies.
- 655.104 Eligible producer.
- 655.105 Eligible rice.
- 655.106 Eligible storage.
- 655.107 Approved forms.
- 655.108 Determination of quantity.
- 655.109 Determination of dockage.
- 655.110 Liens.
- 655.111 Service fees.
- 655.112 Set-offs.
- 655.113 Interest rate.
- 655.114 Transfer of producer's equity.
- 655.115 Safeguarding of the rice.
- 655.116 Insurance.
- 655.117 Loss or damage to the rice.
- 655.118 Personal liability.
- 655.119 Maturity and satisfaction.
- 655.120 Removal of the rice under loan.
- 655.121 Release of the rice under loan.
- 655.122 Purchase of notes.
- 655.123 PMA commodity offices.

AUTHORITY: §§ 655.101 to 655.123 issued under sec. 5 (a) Pub. Law 806, 80th Cong., sec. 1 (a), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1247.

§ 655.101 *Administration.* In the field the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committees.

§ 655.102 *Availability of loans and purchase agreements—(a) Area.* Loans and purchase agreements will be available on eligible rice produced in the States of Arkansas, Louisiana, California, Mississippi, Missouri, and Texas.

(b) *Time.* Loans and purchase agreements will be available through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreements with CCC.

§ 655.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97 or other form prescribed by CCC), or a loan servicing agreement.

§ 655.104 *Eligible producer.* An eligible producer shall be an individual,

partnership, association, corporation, or other legal entity producing rough rice in 1949, as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided, That:*

(a) The producer members are bound by contract to market through the association;

(b) The major part of the rice marketed by the association is produced by members who are eligible producers;

(c) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association;

(d) The rice purchased from non-members is segregated sufficiently to assure that the rice placed under loan or delivered under a purchase agreement shall accurately reflect the quantity and quality of rice grown by producer members; and,

(e) The association has the legal right to pledge or mortgage the rice as security for a loan.

§ 655.105 *Eligible rice.* Eligible rice shall be rough rice produced in 1949 which meets the following requirements:

(a) In accordance with the United States Standards for Rough Rice, such rice shall be of the varieties included in classes I to IX, inclusive, and of the varieties Patna, Zenith, Arkrose, Blue Bonnet, Magnolia, and Prelude, included in the miscellaneous class X.

(b) Such rice shall grade U. S. No. 4 or better; shall show a minimum yield of 25 pounds of head rice from 100 pounds of rough rice on the basis of the respective milling tests in California and in the southern States; and shall contain not more than 14½ percent moisture except that rice produced in California shall contain not more than 15 percent moisture.

(c) Except in the case of eligible cooperative marketing associations of producers, the beneficial interest in the rice must be in the producer tendering the rice for loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(d) In the case of farm-storage loans, such rice shall have been in storage at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

§ 655.106 *Approved storage.* Approved storage for rice shall meet the following requirements:

(a) *Farm storage.* Under the loan program approved farm storage shall consist of storage structures located on the farm, or off the farm, provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of rice.

(b) *Warehouse storage.* Under the loan and purchase program approved warehouse storage shall consist of public warehouses for which a uniform rice storage agreement (CCC Rice Form H)

has been executed and approved by CCC for the storage of rice of the 1949 crop.

§ 655.107 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments thereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on Commodity Loan Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Rice Form B, secured by negotiable warehouse receipts representing rice stored in approved warehouses, and each warehouse receipt must be accompanied by a supplemental certificate. All rice pledged as security for a loan on a single CCC Rice Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the purchase agreement (Commodity Purchase Form 1) and purchase agreement settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Rice in approved warehouse storage under the loan program or delivered to an approved warehouse under the purchase agreement program must be represented by warehouse receipts and supplemental certificates which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, must be issued by an approved warehouse, and must include only one class (or in the case of Class X only one variety), grade, and milling quality of milling test of rice.

(2) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1950, on the rice represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show weight, quality in terms of class, grade, test weight, dockage, moisture, and such applicable factors as damaged kernels, red rice, foreign material, milling quality or milling test, chalky kernels, mud lumps, muddy kernels, seeds, cereal grains, and rice of other classes.

(4) If the warehouse receipt indicates that the grain is stored as "specially

binned," "sacked identity preserved," or "bulk identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

§ 655.108 *Determination of quantity.* Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice may be determined either by weight or by measurement. In determining the net quantity of sacked rice by weight, a deduction of ¾ of a pound for each 100 pounds of gross weight will be made.

When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel shall be 36 pounds and rice having the following test weights shall be adjusted by the following percentages:

For rice testing	Percentages
45 pounds or over.....	100
44 pounds or over, but less than 45 pounds.....	98
43 pounds or over, but less than 44 pounds.....	96
42 pounds or over, but less than 43 pounds.....	93
41 pounds or over, but less than 42 pounds.....	91
40 pounds or over, but less than 41 pounds.....	89

Proportionately lower for rice testing below 40 pounds.

Loans will be made only on 95 percent of the quantity of rice determined in accordance with this section. However, at the time of delivery, settlement will be made on the basis of the actual quantity and quality of rice delivered.

§ 655.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the United States Standards for Rough Rice with respect to all lots of rice produced in California. The weight of such dockage shall be deducted from the gross weight of the rice in determining the net quantity available for loan. The test weight and milling test for such rice shall be on a dockage free basis.

§ 655.110 *Liens.* If there are any liens or encumbrances on the rice, proper waivers must be obtained.

§ 655.111 *Service fees—(a) Loans.* The producer shall pay a service fee of 2 cents per 100 pounds on the quantity of rice placed under loan, or \$3.00, whichever is greater. If the quantity of rice delivered in satisfaction of a loan exceeds the quantity of rice placed under loan, a service fee of 2 cents per 100 pounds shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of 1 cent per 100 pounds on the quantity of rice specified on Commodity Purchase Form 1, as the maximum quantity he may deliver, or \$1.50, whichever is greater.

(c) *Refunds.* No refunds of service fees will be made.

§ 655.112 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are

unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 655.113 Interest rate. Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding any other printed provisions of the note.

§ 655.114 Transfer of producer's equity—(a) Loans. The right of the producer to transfer either his right to redeem the rice under loan or his remaining interest therein may be restricted by CCC.

(b) Purchase agreements. The producer may not assign his interest in the purchase agreement.

§ 655.115 Safeguarding of the rice. The producer obtaining a farm-storage loan is obligated to maintain the storage structures in good repair, and to keep the rice in good condition. Also, in the case of warehouse-stored rice, when the receipts are marked "specially binned," "sacked identity preserved," or "bulk identity preserved," the producer is obligated to keep the rice in good condition.

§ 655.116 Insurance. CCC will not require the producer to insure the rice placed under loan; however, if the producer does insure such rice, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the rice involved in the loss.

§ 655.117 Loss or damage to the rice. The producer is responsible for any loss in quantity or quality of the rice placed under farm-storage loan, or of rice covered by warehouse-receipts marked "specially binned," "sacked identity preserved," or "bulk identity preserved," except that uninsured physical loss or damage occurring without fault, negligence or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 655.118 Personal liability. The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the rice by him, will render the

producer subject to criminal prosecution under Federal law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 655.119 Maturity and satisfaction—

(a) Loans. Loans mature on demand but not later than April 30, 1950. In the case of farm-storage loans, and in the case of warehouse-storage loans involving warehouse receipts bearing the notation "specially binned," "sacked identity preserved," or "bulk identity preserved," the producer is required to pay off his loan on or before maturity, or to deliver the rice in accordance with the instructions of the county committee. With respect to farm storage loans and to warehouse-storage loans where the rice is delivered to CCC in an approved warehouse and the warehouse receipt is marked "specially binned," "sacked identity preserved," or "bulk identity preserved," settlement will be made on the basis of the official weight, grade and yield (as shown by milling quality test or milling test) determined at the time of delivery to CCC. The settlement values for rice delivered to CCC will be set forth in Supplement 1 to this bulletin. Credit will be given for the settlement value of the total quantity of each lot of such rice delivered: *Provided*, All of it either was stored in the bin in which the rice under loan was stored, or was part of the original lot of sacked rice placed under loan, at the applicable loan rate according to grade and quality. If the settlement value of the rice delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the rice is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the rice may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, where the supplemental certificates accompanying the warehouse receipts are executed by the warehouseman, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the rice in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 655.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) Purchase agreements. The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any rice to CCC. However, the quantity which he states in the purchase agreement will be the maximum quantity he may deliver to

CCC. If the producer who signs a purchase agreement wishes to sell rice to CCC he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible rice stored in an approved warehouse, the producer must not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity, to the county committee for the quantity of such rice he elects to sell to CCC, but not in excess of the quantity shown on Commodity Purchase Form 1. In the case of eligible rice stored in other than approved warehouse storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery, at points designated by the county committee, within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of rice delivered must not be in excess of the quantity shown on Commodity Purchase Form 1. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

Eligible rice with respect to which the warehouse receipt is marked "specially binned," "sacked identity preserved," or "bulk identity preserved," will be purchased on the basis of the official weight, grade and yield (as shown by milling quality or milling test) determined at the time of delivery to CCC. Eligible rice with respect to which the warehouseman executes the supplemental certificate accompanying the warehouse receipt will be purchased on the basis of the weight, grade, and yield (as shown by milling quality or milling test) shown on the warehouse receipt and accompanying supplemental certificate. If eligible rice is delivered to a CCC storage facility, it will be purchased on the basis of the weight, grade, and yield (as shown by milling quality test or milling test) determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery. The settlement values for rice delivered under a purchase agreement will be set forth in Supplement 1 to this bulletin.

§ 655.120 Removal of the rice under loan. If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the rice and sell it, either as rough or after milling, by separate contracts or after pooling it with other lots of rice similarly held. If the rice is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon

liquidation of the pool. CCC shall have the right to treat the pooled rice as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of rice, even though part or all of such pooled rice is disposed of under such policies at prices less than the current domestic price for such rice. Any sum due the producer as a result of the sale of the rice or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 655.121 *Release of the rice under loan.* A producer may at any time obtain release of the rice remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the rice prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest represented by the quantity of the rice to be released. However, each partial release must cover all of the rice under one warehouse receipt, in one farm-storage bin, or in one lot of farm-stored sacked rice.

§ 655.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 655.123 *PMA commodity offices.* PMA commodity offices for this program and the States served by them are shown below:

ADDRESS AND STATES:

1114 Commerce Street, Dallas 2, Tex.;
Arkansas, Louisiana, Mississippi, Missouri,
and Texas.
30 Van Ness Avenue, San Francisco 2, Calif.;
California.

No. 149—2

Issued this 29th day of July 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-6342; Filed, Aug. 3, 1949;
8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations
[Regs., Serial No. SR-334]

PART 42—IRREGULAR AIR CARRIER AND
OFF-ROUTE RULESAUTHORIZATION FOR SCHEDULED AIR
TRANSPORTATION OF CARGO

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of July 1949.

Special Civil Air Regulation SR-325 currently authorizes air carriers appropriately licensed by the Board to engage in a scheduled cargo-only service to conduct such operations under the provisions of Part 42 of the Civil Air Regulations. This authorization expires August 1, 1949. In promulgating this regulation the Board indicated that it was considered a temporary measure pending the development of adequate certification and operation rules for scheduled air transportation of cargo. Such rules have not yet been promulgated, and the Board is currently considering what modifications, if any, of Part 42 are necessary in order that Part 42 may be made applicable to scheduled cargo-only transportation on other than a temporary basis. Pending a final determination of this matter, it is considered desirable to continue the authorization currently in effect.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective August 1, 1949:

Any air carrier authorized by the Board, pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo may conduct such transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation shall supersede Special Civil Air Regulation Serial Number SR-325 and shall terminate August 1, 1950, unless sooner terminated or rescinded by the Board.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6345; Filed, Aug. 3, 1949;
8:56 a. m.]

[Amdt. 44-2, Civil Air Regs.]

PART 44—FOREIGN AIR CARRIER
REGULATIONS

NONSCHEDULED OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of July 1949.

Part 44 of the Civil Air Regulations which establishes safety requirements for foreign air carriers authorized by the Board to engage in foreign air transportation pursuant to the provisions of section 402 of the Civil Aeronautics Act of 1938 currently is limited in applicability to air carriers operating on a scheduled basis. The Board has recently issued a foreign air carrier permit under section 402 for nonscheduled operations which, in the absence of amendment of Part 44, would be governed by the more limited requirements of Parts 43 and 60 which were not designed to establish safe operating practices for foreign air transportation and which we deem to be inadequate therefor.

We are, therefore, amending Part 44 to extend its applicability to any operations in the United States by a foreign air carrier holding a permit issued by the Board pursuant to section 402 of the act. In view of the fact that such a permit has already been issued by the Board and that operations pursuant thereto are about to be inaugurated, we deem it necessary to make this amendment effective immediately.

The Board finds that it is in the interest of the public to extend to all foreign air carriers under the terms and conditions set forth in Part 44 the exemption from section 610 (a) heretofore granted by Part 44 to foreign aircraft, and airmen serving in connection therewith, operated by scheduled foreign air carriers.

For the reasons set forth above, the Board finds that notice and public procedure on this amendment are impractical and contrary to the public interest, and that good cause exists for making this amendment effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 44 of the Civil Air Regulations (14 F. R. 4276) effective immediately:

By amending § 44.0 thereof by deleting the word "scheduled" therefrom.

(Secs. 205 (a), 601, 610, 52 Stat. 984, 1007, 1012, 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 560, Act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6343; Filed, Aug. 3, 1949;
8:56 a. m.]

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-2]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INITIAL DECISIONS BY EXAMINERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of July 1949.

Although section 8 (a) of the Administrative Procedure Act permits initial decisions to be made by examiners where the agency so desires, the Board up to the present time has made all initial decisions itself in economic cases. The purpose of this amendment is to provide for initial decisions by examiners in certain cases of limited importance.

The rule will permit initial decisions by examiners in uncontested domestic proceedings only, where an amendment in the points authorized to be served under a certificate of public convenience and necessity is sought by petition in a proceeding under section 401 (h).

Since this amendment is a rule of agency procedure, notice and public procedure hereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective September 2, 1949.

1. By inserting the following words at the beginning of paragraph (c) of § 302.8: "Except as provided in paragraph (g) of this section . . ."

2. By adding the following new paragraph (g) to § 302.8 reading as follows:

(g) Unless in any particular proceeding the Board shall by order require the entire record to be certified to it for initial decision, the examiner shall make the initial decision in uncontested proceedings not subject to Presidential approval which have been initiated under section 401 (h) of the act proposing or requesting a change in, addition to, or elimination of one or more of the points which petitioner is authorized to serve under his certificate of convenience and necessity. Such initial decision shall become the decision of the Board unless, within 15 days from the date of service thereof upon the parties to the proceeding, an appeal is taken to the Board by any party (including public counsel) or the Board by order directs its review. Review by the Board, whether on appeal or on its own order, shall be governed by the same procedures as are applicable to exceptions to recommended decisions under paragraphs (d), (e) and (f) of this section.

(Secs. 205, 403, 1002, 52 Stat. 984, 992, 1018; 49 U. S. C. 425, 483, 642)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6344; Filed, Aug. 3, 1949; 9:24 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5542]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LOC PRODUCTS

Subpart—*Using or selling lottery devices*; § 3.2475 *Devices for lottery selling*. Selling or distributing in commerce push cards, punch boards, or other lottery devices, which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Alex Lewis et al. trading as Loc Products, Docket 5542, July 7, 1949]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 7th day of July A. D. 1949.

In the Matter of Alex Lewis and Herman Offenenden, Individuals, and as Co-partners Trading as Loc Products

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer said respondents admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Alex Lewis and Herman Offenenden, individually and trading as Loc Products, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards, or other lottery devices, which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 49-6331; Filed, Aug. 3, 1949; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,¹ Amdt. 141]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OREGON, TEXAS AND UTAH

The Controlled Housing Rent Regulations (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 254, is amended to describe the counties in the Defense-Rental Area as follows:

Jackson, except the City of Ashland.

This decontrols from §§ 825.1 to 825.12 the City of Ashland in Jackson County, Oregon, a portion of the Medford, Oregon, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 331, is amended to read as follows:

(331) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Victoria in Victoria County, Texas, a portion of the Victoria, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 333c is amended to read as follows:

(333c) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Logan in Cache County, Utah, a portion of the Logan, Utah, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 1, 1949.

Issued this 1st day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6332; Filed, Aug. 3, 1949; 8:46 a. m.]

¹ 13 F. R. 5706, 5783, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4481, 4450, 4451, 4618, 4749, 4750.

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 138]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OREGON, TEXAS AND UTAH

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 254, is amended to describe the counties in the Defense-Rental Area as follows:

Jackson, except the City of Ashland.

This decontrols from §§ 825.81 to 825.92 the City of Ashland in Jackson County, Oregon, a portion of the Medford, Oregon, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 331, is amended to read as follows:

(331) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Victoria in Victoria County, Texas, a portion of the Victoria, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 333c is amended to read as follows:

(333c) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Logan in Cache County, Utah, a portion of the Logan, Utah, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 1, 1949.

Issued this 1st day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6333; Filed, Aug. 3, 1949; 8:47 a. m.]

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4451, 4452, 4617, 4668, 4751, 4752.

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR THE PREDETERMINATION OF RATES OF WAGES

EDITORIAL NOTE: Sections 1.21 and 1.22 have been excluded from the Code of Federal Regulations, 1949 Edition.

Chapter I—National Labor Relations Board

PART 103—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

EDITORIAL NOTE: Part 103 has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 41—PUBLIC CONTRACTS

Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

EDITORIAL NOTE: Section 301.11 has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 54—GRANTS FOR NURSE TRAINING

EDITORIAL NOTE: Part 54 has been excluded from the Code of Federal Regulations, 1949 Edition.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 1—PRACTITIONERS

PART 5—FILMING OF MOTION PICTURES

EDITORIAL NOTE: The headings of Part 1 and 5 have been changed to read as set forth above.

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1722, Amdt. 3]

PART 196—PHOSPHATE LEASES AND USE PERMITS

NOTICE OF LEASE OFFER

Section 196.11 is amended to read:

§ 196.11 *Notice of lease offer.* Notice under the preceding section, of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, and in such other publications as the Director, Bureau of Land Manage-

ment, may authorize. The notice will be published at the expense of the Government. A copy of the notice will be posted in the proper district land office during the period of publication. This notice will state the place and time of sale, the description of the land and where a detailed statement of the terms and conditions of the lease offer may be obtained. The detailed statement of terms and conditions will provide (a) that the minimum production requirement will not be reduced or waived at the lessee's request except as provided in §§ 196.5, 196.6, 191.25, or 191.26, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss; (b) that the lease will be canceled if production, or the construction of production facilities, including processing plants, is not commenced by the beginning of the fourth year of the lease; and (c) the manner in which bids may be submitted, information as to rental, royalty, minimum production, minimum investment and all other terms and conditions of the sale.

The right is reserved in the public interest, to reject any and all bids; and should a bid be rejected, the deposit made by the bidder will be returned. All bidders at any public sale of leases are warned against committing any act by intimidation, combination, or unfair management, to hinder or prevent bidding thereon, in violation of 18 U. S. C. sec. 1860.

(Secs. 9-12 and 32, 41 Stat. 440, 441, 450; 30 U. S. C. 211-214 and 189)

ROSCOE E. BELL,
Associate Director.

Approved: July 28, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-6321; Filed, Aug. 3, 1949; 8:50 a. m.]

Appendix—Public Land Orders

[Public Land Order 597]

UTAH

REVOKING PUBLIC LAND ORDER NO. 93

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 93 of February 27, 1943, withdrawing the following-described public land for use in connection with the prosecution of the war, is hereby revoked:

SALT LAKE MERIDIAN

T. 16 S., R. 14 E.,
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 40 acres. The land is subject to a lease, Salt Lake City 067384, entered into with the Reconstruction Finance Corporation for a term of 20 years from January 13, 1948.

Dated: July 28, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-6320; Filed, Aug. 3, 1949; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS; RETIREMENT BENEFITS FOR EMPLOYEES; AND RESERVES OF FEDERAL CREDIT UNIONS

Notice having been published in the FEDERAL REGISTER on June 10, 1949 (14 F. R. 3163), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner for Social Security and the Federal Security Administrator, proposed to prescribe certain regulations concerning retirement benefits for employees of Federal credit unions and reserves for Federal credit unions and that prior to the official adoption of the proposed regulations consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Federal Security Building, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER beginning at page 3163 (14 F. R. 3163), and the 30-day period having elapsed and no data, views, or arguments pertaining to the proposed regulations having been submitted, the proposed regulations as printed in the FEDERAL REGISTER (14 F. R. 3163) are hereby adopted and promulgated effective 30 days after date of publication of this document in the FEDERAL REGISTER.

Dated: July 13, 1949.

[SEAL] C. L. ORCHARD,
Director, Bureau of
Federal Credit Unions.

Approved: July 20, 1949.

A. J. ALTMAYER,
Commissioner of Social Security.

Dated: July 28, 1949.

JOHN L. THURSTON,
Acting Federal Security
Administrator.

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Section 301.19 is amended to read as follows:

§ 301.19 *Retirement benefits for employees of Federal credit unions.* Federal credit unions may make provision for reasonable retirement benefits for employees and for officers who are compensated in conformance with the Federal Credit Union Act and the Federal Credit union's bylaws, but no Federal credit union shall undertake to administer a retirement plan. (Sec. 16 (a), 48 Stat. 1221; 12 U. S. C. 1766 (a); sec. 2, 62 Stat. 1091; 12 U. S. C. 1751 (a) and note)

PART 302—RESERVES

- Sec.
302.1 Reserves in general.
302.2 Reserves for Bad Loans.
302.3 Special Reserve for Delinquent Loans.

AUTHORITY: §§ 302.1 to 302.3 issued under section 16 (a), 48 Stat. 1221; 12 U. S. C. 1766 (a); and section 2, 62 Stat. 1091; 12 U. S. C. 1751 (a) and note.

§ 302.1 *Reserves in general.* (a) Federal credit unions shall establish and maintain such reserves as may be required by the Federal Credit Union Act, as amended, or by the regulations in this part, or in special cases by the Director of the Bureau of Federal Credit Unions on his finding, after a hearing, that the reserves of the Federal credit union concerned are insufficient.

§ 302.2 *Reserves for Bad Loans.* (a) The treasurer shall transfer to a reserve to be known as the Reserve for Bad Loans: (1) As of the close of business of each month, all entrance fees, transfer fees and fines collected during the month; (2) as of December 31 of each year, 20% of the net earnings before the declaration of dividends; and (3) as of the close of business of each month, recoveries of the principal, including collection costs, of bad loans previously charged to the reserve.

(b) The Reserve for Bad Loans shall be charged with the unpaid principal, including collection costs, of bad loans which the board of directors authorizes to be charged off as uncollectible.

§ 302.3 *Special Reserve for Delinquent Loans.* (a) The Reserve for Bad Loans of each Federal credit union shall be supplemented by a special reserve to be known as the Special Reserve for Delinquent Loans, which shall be equal to the excess of the sum of 10% of the unpaid balances of loans delinquent more than two months and less than six months, plus 25% of the unpaid balances of loans delinquent from six months to less than 12 months, plus 50% of the unpaid balances of loans delinquent from 12 months to less than 18 months, and plus 100% of the unpaid balances of loans delinquent 18 months or more over the balance in the Reserve for Bad Loans. In the event it is necessary to supplement the Reserve for Bad Loans by a Special Reserve for Delinquent Loans, the transfer to the Special Reserve for Delinquent Loans shall be made as of December 31 of each year from Undivided Profits before any distribution of dividends. The maintenance of a Special Reserve for Delinquent Loans shall not eliminate the necessity for transferring 20% of the net earnings as of December 31 each year to the Reserve for Bad Loans. In the event the required transfer exceeds the balance of Undivided Profits, only the balance of Undivided Profits shall be transferred to the Special Reserve for Delinquent Loans.

(b) When, as of December 31 of any year, the amount in the Special Reserve for Delinquent Loans exceeds the amount required by the regulations in

this part, the board of directors of the Federal credit union may authorize the transfer of the excess to Undivided Profits.

(c) Upon written application by the Board of Directors of a Federal credit union, the Director of the Bureau of Federal Credit Unions may waive, in whole or in part, the requirement for the maintenance of the Special Reserve for Delinquent Loans contained in paragraph (a) of this section. Such applications shall be addressed to the Regional Representative of the Bureau of Federal Credit Unions in the area in which the Federal credit union concerned maintains its principal offices.

[F. R. Doc. 49-6330; Filed, Aug. 3, 1949; 8:59 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

HUNTING IN FORT PECK GAME RANGE, MONTANA

Basis and purposes. Observations and reports by field representatives of the Fish and Wildlife Service, Bureau of Land Management, and of the Montana Fish and Game Commission have indicated that it is impracticable to require that a special permit be issued for the hunting of deer on the Fort Peck Game Range. The elimination of this requirement from the regulations permitting deer hunting on the Fort Peck Game Range is in keeping with sound wildlife management practices.

Since the following regulation is a relaxation of the requirement that each person hunting deer on the Fort Peck Game Range shall possess a State license and a special permit, the notice and public rule-making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective on the date of publication of this document in the FEDERAL REGISTER, § 31.124 is revised to read as follows:

§ 31.124 *State hunting laws.* Strict compliance with all State laws and regulations is required and any person who hunts on the range must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license, which license will serve as a Federal permit for entry on the range for the purpose of hunting. (50 CFR 20.6; 14 F. R. 2455)

Dated: July 29, 1949.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 49-6319; Filed, Aug. 3, 1949; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing
AdministrationBROKEN BOW AUCTION YARDS AND UNION
LIVESTOCK SALES CO., INC.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after consideration of all relevant matters presented pursuant to the notice of proposed deposting published in the FEDERAL REGISTER on July 13, 1949 (14 F. R. 3858), it has been ascertained that the Broken Bow Auction Yards at Broken Bow, Nebraska, originally posted on September 15, 1939, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), and the Union Livestock Sales Company, Inc. at Parkersburg, West Virginia, originally posted on September 6, 1935, as being subject to the provisions of said act, no longer come within the definition of a stockyard under said act. Therefore, notice is given to the owners of said stockyards and to the public that said stockyards are no longer subject to the provisions of said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction, and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication thereof in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 29th day of July 1949.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 49-6327; Filed, Aug. 3, 1949;
8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2375]

TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith in the transatlantic operations of TWA.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on August 5, 1949, at 10:00 a. m., e. d. s. t., in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., July 29, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6346; Filed, Aug. 3, 1949;
8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1240]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING HEARING

JULY 27, 1949.

Informal requests have been received by the Commission for postponement of the hearing in the above-docketed matter now set to commence on August 22, 1949. Among such requests was one from the Illinois Commerce Commission which wrote to this Commission under date of July 19, 1949, suggesting that the hearing be postponed until September 19, 1949. In such letter, among other things it was stated that:

Panhandle is now negotiating with distributing companies and others and there seems to be a reasonable prospect that some of the issues in case G-1240 will be clarified materially, if indeed not settled, through these negotiations. The date of August 22 leaves insufficient time for such negotiations.

The Commission finds: Good cause exists for postponing the hearing in this proceeding to September 19, 1949 and it is appropriate that the Commission should order such postponement on its own motion.

The Commission orders: The hearing in this proceeding be and it hereby is postponed until September 19, 1949, to be held at the time and place heretofore designated.

Date of issuance: July 29, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6322; Filed, Aug. 8, 1949;
8:50 a. m.]

[Docket No. G-1244]

HOME GAS CO.

NOTICE OF APPLICATION

JULY 29, 1949.

Take notice that on July 21, 1949, Home Gas Company (Applicant), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a sales metering and regulating station in the Town of Tuxedo, Orange County, New York, at a proposed point of connection with its 10-inch line now being constructed (Docket No. G-1182) with a 10-inch line proposed to be constructed by Central Hudson Gas and Electric Corporation (Central) from Central's present pipe line system in Poughkeepsie, New York, to a point in the said Town of Tuxedo, for the sale of natural gas thereto for resale to consumers in Central's present distribution territory, exclusive of the Village of Catskill, New York.

Applicant states Central is serving 537 B. t. u. manufactured and butane air

gas at retail in the cities of Poughkeepsie, Newburgh, Beacon, Kingston, and in adjacent villages and communities along the Hudson River in New York State, which will be hereafter used for peak shaving purposes; that Applicant's plant will be adequate to meet the needs of its customer companies, and to supply natural gas to Central, when the facilities authorized at Docket No. G-1182, now under construction, are completed; that service through the new facilities will be at a maximum pressure of 300 p. s. i. g., in accordance with the terms of its FPC Gas Tariff, Original Volume No. 1, Schedule HG-1, from which it is estimated that there will be derived during the first full year of operation, from the sale of approximately 1,460,000 Mcf at \$0.4453 (approx. 67% load factor), a net additional income on an increment basis of \$77,508 (based on gross revenues of \$650,120, and additional expenses of \$572,612, inclusive of Federal Income Tax); and that annual and peak day requirements of Central will be: 1950, annual 710,000 Mcf, peak day not stated; 1951, annual 1,460,000 Mcf, peak day 6,000 Mcf; 1952, annual 1,745,000 Mcf, peak day 7,800 Mcf; 1953, annual 2,030,000 Mcf, peak day 8,600 Mcf. The estimated total capital cost of construction is \$18,000 and will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6329; Filed, Aug. 8, 1949;
8:46 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 54-175]

WEST PENN ELECTRIC CO. ET AL.

ORDER APPROVING PLAN AS MODIFIED

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of July A. D. 1949.

In the matter of The West Penn Electric Company, West Penn Railways Company, West Penn Power Company, Monongahela Power Company, File No. 54-175.

The West Penn Electric Company ("Electric"), a registered holding company, and three of its subsidiaries, namely, West Penn Railways Company ("Railways"), West Penn Power Company ("Power"), and Monongahela Power Company ("Monongahela"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 concerned primarily with a plan under section 11 (e) of the act to effect further partial compliance, by the holding company system

of which applicants-declarants are members, with the requirements of the act;

The transactions proposed in the joint application-declaration being principally: (a) the distribution to Electric of Railways' stock holdings in Power and Electric together with certain surplus cash; (b) the assumption by Electric of all Railways' bond obligations; (c) an accounting reorganization of Railways; (d) the repurchase from Power by Electric of a block of shares of common stock of Monongahela; and (e) a cash payment to the public minority stockholders of Power of \$2.30 per share to compensate for any dilution resulting from the transfer of the Monongahela common stock;

Public hearings with respect to said joint application-declaration having been held and the Commission having considered the record and adopted and published its findings and opinion in the matter; Electric having requested that the order of the Commission approving said Plan, and related transactions, conform to the requirements of and contain the recitals, specifications, and itemizations required by Supplement R and section 1808 (f) of the Federal Internal Revenue Code, as amended, and section 270-c (10) of the Tax Law of the State of New York:

I. It is hereby ordered and recited, Pursuant to section 11 (e) of the act, that the Plan, dated February 2, 1949, as modified by amendments dated April 6, and 21, and July 6, 1949, filed by Electric in these proceedings, including Part I and Part II, and all steps and transactions involved in the consummation thereof, including all transfers, sales, exchanges, payments, surrenders, contributions, assumptions, acquisitions, receipts, acceptances, purchases, dividends, distributions, deliveries, retirements, and cancellations, be, and they hereby are, found to be necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and necessary or appropriate to the simplification of the Electric holding company system and in all respects fair and equitable to the persons affected thereby. Accordingly, the Plan, as so modified, is approved, subject to the terms and conditions set forth in section IV of this order.

II. It is further ordered and recited, Without prejudice to the generality of the provisions of section I of this order, that the following transactions set forth in Part I of the Plan are approved and authorized by the Commission, subject to the terms and conditions set forth in section IV of this order:

(1) The surrender, transfer and delivery by Electric to Railways of 169,917 shares of common stock of Railways owned by Electric (represented by certificate No. C-177) and the receipt thereof by Railways, Electric retaining 1,000 shares of common stock of Railways; the reduction by Railways of its capital to an amount not less than \$100,000; and the cancellation and retirement by Railways of such number of shares of its common stock so surrendered by Electric as shall be required to effect such reduction, Railways retaining in its

treasury any such remaining surrendered shares;

(2) The assumption by Electric of the payment, when due, of the principal of and interest on the \$4,372,500 principal amount of First Mortgage 5% Gold Bonds of West Penn Traction Company heretofore assumed by Railways; and the execution by Electric and Railways of an instrument evidencing such assumption in the form filed in these proceedings;

(3) The assignment, transfer and delivery by Railways to Electric of all of the 866,000 shares of common stock of Power (represented by Certificates Nos. C-21, C-55, 37 and PO-5207) and all of the 53 shares of 6% Cumulative Preferred Stock (represented by Certificates Nos. PO-7137 to 7142, inclusive) and 132 shares of Class A Stock (represented by Certificates Nos. APO-259 to 272, inclusive) of Electric owned by Railways and the payment by Railways to Electric of the sum of \$2,200,000 in cash plus, in the event Part I of the Plan shall not have been effected at the time of the special dividend of Power provided in Step 2 of Part II of the Plan, the aggregate amount of such special dividend received by Railways on said 866,000 shares of common stock of Power owned by it (such assignment as respects the 780,480 shares of common stock of Power pledged to secure the First Mortgage 5% Gold Bonds of West Penn Traction Company to be subject to the prior rights of the Trustee under the instruments securing said Bonds and of the holders of said Bonds with respect thereto); the receipt and acceptance thereof by Electric; and the cancellation and retirement by Electric of said 53 shares of its 6% Cumulative Preferred Stock and 132 shares of its Class A Stock.

III. It is further ordered and recited, Without prejudice to the generality of the provisions of section I of this order, that the following transactions set forth in Part II of the Plan are approved and authorized by the Commission, subject to the terms and conditions set forth in section IV of this order:

(1) The sale, transfer and delivery by Power to Electric of all of the 583,999-23/25 shares of common stock of Monongahela (represented by Certificates Nos. BO-2204 and D-422) owned by Power, and the receipt thereof by Electric and the payment by Electric to Power in exchange therefor of the consideration specified in Step 1 of Part II of the Plan;

(2) The payment by Power to its common stockholders as a special dividend of an aggregate amount approximately equal to the excess of the total payment received by Power for the common stock of Monongahela pursuant to Step 1 of Part II of the Plan over the sum of \$7,000,000;

(3) The payment of Electric to the public common stockholders of Power of the sum of \$2.30 per share of common stock held by them.

IV. It is further ordered, That the foregoing approvals and authorizations are subject to the following terms and conditions:

(1) That authority hereby conferred shall be subject to the terms and conditions prescribed in Rule U-24;

(2) That jurisdiction heretofore reserved to the Commission in File No. 54-142 to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act with respect to Electric and its subsidiaries is continued in effect; the Commission further reserving jurisdiction to make such supplemental findings and to take such further action as it may deem appropriate in connection with the instant Plan, as modified, the transactions incident thereto, and the consummation thereof;

(3) That Railways shall, in an appropriate manner, set forth in its financial statements the fact that its physical assets are still subject to the lien of the bonds of West Penn Traction Company being assumed by Electric;

(4) Jurisdiction is reserved with respect to such action as may be required concerning any appropriate adjustments of Railways' financial statements and accounts;

(5) That Electric in its financial statements following consummation of the Plan shall not, until further order of this Commission, include any dividends from Railways as income but shall credit all such dividends to Electric's investment in Railways;

(6) Jurisdiction is reserved with respect to such action as may be required concerning any appropriate adjustments of Electric's financial statements and accounts; and

(7) That, except for the fees and expenses expressly approved at this time, jurisdiction is reserved over the reasonableness and appropriate allocation of all fees, expenses, and other remunerations incurred or to be incurred in connection with the Plan, as modified, and the transactions incident thereto;

V. It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing the Plan.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-6323; Filed, Aug. 3, 1949; 8:50 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

ORDER AMENDING SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1949.

By Supplemental Order dated July 15, 1949, the Commission having approved and permitted to become effective an amended application-declaration by The United Light and Railways Company ("Railways") with respect to the sale by that company of 4,078 shares of the common stock of American Natural Gas Company ("American Natural"), representing unexercised rights in Con-

nection with the final distribution by Railways to its own common stockholders of the stock of American Natural:

It is ordered, That the said Supplemental Order of July 15, 1949, be amended by striking the last paragraph thereof and substituting in lieu thereof the following:

It is further ordered and recited, That the sale and transfer by Railways of said 4,078 shares of no par value common stock of American Natural are necessary or appropriate to the integration or simplification of the holding company system of which Railways is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-6324; Filed, Aug. 3, 1949;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 380]

EUGENE CAMILLE SAINT JACQUES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Eugene Camille Saint Jacques, Paris, France; Claim No. 31754; June 7, 1949 (14 F. R. 3076); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,893,913; 1,994,049; 2,015,464; 2,057,304; 2,093,469; 2,073,520; 2,138,072; 2,091,119; 2,113,619; 2,120,785; 2,081,772 and 2,252,581.

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6334; Filed, Aug. 3, 1949;
8:47 a. m.]

[Return Order 387]

JOSEPH R. EHRLICH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Joseph R. Ehrlich, New York, N. Y., Claim No. A-53; June 9, 1949 (14 F. R. 3147); Property described in Vesting Order No. 94 (7 F. R. 6893, August 25, 1942), relating to United States Patent Application Serial No. 213,843 (now United States Letters Patent No. 2,315,111).

This return shall not be deemed to include the rights of any licensees under the above patent application and patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6335; Filed, Aug. 3, 1949;
8:47 a. m.]

JOHN I. GROSS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

John I. Gross, San Martino dell'Argine (Mantova), Italy; 4977; \$8,276.06 in the Treasury of the United States.

Executed at Washington, D. C., on July 28, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6336; Filed, Aug. 3, 1949;
8:47 a. m.]

EDITIONS SALABERT S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to re-

turn, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Editions Salabert S. A., 22 Rue Chauchat, Paris France; 36443, 30076; \$18,359.99 in the Treasury of the United States. Property to the extent owned by claimant immediately prior to vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the musical composition entitled "Mon Homme" (listed in Exhibit A of said vesting order).

Executed at Washington, D. C., on July 28, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6338; Filed, Aug. 3, 1949;
8:47 a. m.]

KATHE WASSERSTROM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kathe Wasserstrom, nee Wolf, Colmarerstrasse 53, Basel, Switzerland; 35244; \$14,436.13 in the Treasury of the United States. All right, title, interest and claim of Miriam Wolf, nee Heidelberger, a/k/a Marion Wolf, nee Heidelberg, in, to and against the Estate of Louis Strauss, Deceased.

Executed at Washington, D. C., on July 28, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6339; Filed, Aug. 3, 1949;
8:48 a. m.]

MARGUERITE LEBLANC ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof,

after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marguerite Leblanc, 35 rue Spontini, Paris (16), France; Marie-Louise Biguet, 10, rue de Rome, Paris (8eme), France; and Claude Leblanc, 4, rue Thiers, Paris (16eme) France; \$8,965.46 in the Treasury of the United States, $\frac{1}{10}$ thereof to Marie-Louise Biguet and $\frac{1}{10}$ thereof to Marguerite Leblanc.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 4030 (9 F. R. 13779, November 17, 1944), relating to the literary works entitled "Arsene Lupin contre Herlock Sholmes or The Blonde Lady", "Arsene Lupin, Gentleman Burglar or Arsene Lupin, Gentleman Cambrioleur", "The Hollow Needle", "813", "The Crystal Stopper", "Confessions of Arsene Lupin", "The Golden Triangle or Le Triangle d'or", "Teeth of the Tiger or Les Dents du Tigre", "Eight Strokes of the Clock or Les Huit coups de l'Horloge", "Memoirs of Arsene Lupin or La

Comtesse de Cagliostro", "Arsene Lupin, Super Sleuth", "Arsene Lupin Intervenes", "The Melamare Mystery or La Demeure Mystereuse", "La Barre-Y-Va", "The Woman With Two Smiles", "La Calioistro se Venge", "The Return of Arsene Lupin", "La Frontiere" and "Le Chaplet Rouge" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of $\frac{1}{10}$ of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of $\frac{1}{10}$ of the royalties.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary work entitled "Arsene Lupin, Gentleman Cambrioleur" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of $\frac{1}{10}$ of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of $\frac{1}{10}$ of the royalties.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 3552 (9 F. R. 6464, June 13, 1944), relating to the literary works entitled "Arsene Lupin, Gentleman Cambrioleur", "Des Pas Sur La Neige", "La Carafe D'Eau", "Arsene Lupin In Prison", "The Red Silk Scarf" and "The Lady with the Hatchet" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of $\frac{1}{10}$ of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of $\frac{1}{10}$ of the royalties.

Executed at Washington, D. C., on July 28, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6337; Filed, Aug. 3, 1949;
8:47 a. m.]